

REMARKS

Applicants respectfully request reconsideration of this application.

The rejection of claim 5 under 35 U.S.C. §112, second paragraph can be withdrawn.

The change made to claim 5 above makes it clear that the door portion previously recited in that claim is the portion of the cabin door as now recited. No new matter has been introduced and no new issues are raised by the amendment. Applicants respectfully request entry of the amendment.

The rejection of claim 1 under 35 U.S.C. §112, second paragraph should be withdrawn.

Applicants respectfully submit that the term “near” in claim 1 does not render the claim indefinite. As indicated in MPEP 2173.05(b), the fact that claim language, including terms of degree, may not be precise, but does not automatically render the claim indefinite under 35 U.S.C. §112, second paragraph. Acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification. One skilled in the elevator art would automatically understand what “near” means in the context of Applicant’s claims. In the elevator art, door movers and interlocks have traditionally been positioned near the top of the doors with some components supported on the top of the elevator car. It would not be uncommon, for example, to refer to traditional door mover and interlock component positions being near the top of the elevator car doors. A skilled person would, therefore, automatically recognize the claim language positioning components near a lower edge of a door means that such components would be closer to the bottom of the door than the top.

There is no mystery or indefiniteness associated with the use of near in the context of Applicants' claims.

Further, a person of skill in the art taking a look at Applicants' specification would clearly resolve any potential, hypothetical doubt regarding what is meant by the term "near" as that term is used in Applicants' claims. Applicants' specification makes it clear that the location of a door mover near a lower edge of a door is meant to distinguish that from positioning a door mover on the top of an elevator cabin near an upper edge of the door, for example. Further, the examples of the specification show such components below a door, below a sill associated with a door panel. Each of these examples provides an indication of what "near" a lower edge of the door encompasses.

The rejection under 35 U.S.C. §112 should be withdrawn.

The rejection under 35 U.S.C. §103 of claims 1-3, 6-10 and 13-16 based upon the proposed combination of Kurimoto and Walter should be withdrawn.

There is no *prima facie* case of obviousness for several reasons.

First, the Examiner is not correctly interpreting the *Kurimoto* reference. The Examiner contends that the element labeled 18' in *Kurimoto* is an elevator car door. Applicants respectfully disagree. There is nothing in the *Kurimoto* reference that indicates that the element labeled 18', which is not described in the specification of *Kurimoto*, is an elevator car door. The only door (or door panels) described in the *Kurimoto* reference are the "doors of the elevator shaft which when closed form part of the wall of the shaft" indicated by numerals 1, 2 and 2' in the *Kurimoto* reference. (Page 1, lines 66-68) There is nothing in the *Kurimoto* reference to indicate that the element labeled 18' is anything other than a wall of the car frame and there is no indication that it is a door.

The Examiner points to column 4, line 85 but that portion of the reference is describing the shaft doors, which are not elevator car doors.

Even if a reasonable interpretation were that the element 18' is a door, there is nothing that allows for the interpretation of the motor 19 being a door mover for moving the element 18'. There is nothing within the *Kurimoto* reference that in any way indicates that the motor 19 has any effect on any hypothetical movement of the undescribed element labeled 18'. Therefore, even if the Examiner were correct that the element 18' is a cabin door, the motor 19 does not correspond to a door mover for moving a cabin door. The Examiner does not even contend that the motor 19 moves the element 18' but instead acknowledges that the motor 19 is used only for moving the doors of the elevator shaft 1, 2, 2'.

Therefore, even if the Examiner's proposed combination of the *Kurimoto* and *Walter* references could be made, there is no *prima facie* case of obviousness because there is nothing within that combination that corresponds to a door mover for moving the undescribed element 18' in the *Kurimoto* reference. Without that, it is impossible to establish a *prima facie* case of obviousness.

Additionally, the proposed combination cannot be made. MPEP 2143.01(VI) indicates that a proposed modification or combination of prior art that would change the principle of operation of the prior art being modified is not sufficient to establish a *prima facie* case of obviousness. In this instance, the Examiner's proposed combination would change the principle of operation of the *Kurimoto* reference. That reference uses a motor 19 and a manually moveable lever to engage the shaft of the motor 19 with the chain mechanism for moving the shaft door. The principle of operation of the *Kurimoto* reference is to have a person inside the elevator car

manipulate the handle 24c to cause selective movement of the shaft doors 1, 2 and 2' between open and closed positions.

If one were to attempt to substitute in the clutch mechanism C of the *Walter* reference to provide some engagement between a hypothetical cabin door 18' and the shaft door 1 in the *Kurimoto* reference for purposes of moving the shaft doors 1, 2, 2', that would change the principle of operation of that reference. Therefore, the Examiner's proposed combination cannot be made. Regardless of how one interprets the undescribed element 18' in the *Kurimoto* reference, the proposed combination of that reference with the *Walter* reference does not establish a *prima facie* case of obviousness.

The rejection under 35 U.S.C. §103 must be withdrawn.

The rejection of claims 4, 5, 11 and 12 under 35 U.S.C. §103 based upon the proposed combination of the *Kurimoto*, *Walter* and *Shalit* references must be withdrawn.

As already explained, the base combination of *Kurimoto* and *Walter* cannot be made. Even if it could, it does not include the elements that the Examiner contends would be in the combination. The proposed addition of the *Shalit* reference does not remedy the defects in the base combination and there is no *prima facie* case of obviousness. The rejection of claims 4, 5, 11 and 12 must be withdrawn.

Conclusion

This case is in condition for allowance. If the Examiner believes that a telephone conference would be useful for moving this case forward to being issued, Applicant's representative will be happy to discuss any issues regarding this application and be contacted at the telephone number indicated below.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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Dated: October 30, 2008